

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

On December 27, 2005, the Court directed that respondent be served with a copy of petitioner's 28 U.S.C. § 2255 motion. Dkt. No. 5. It appears, however, that respondent never received the service documents. Dkt. No. 6. Although respondent acknowledges knowing the motion was pending, it now seeks a continuance of the time in which it must file an answer. *Id.* Counsel for respondent argues that a continuance is proper because he has several other matters pending and because he will be out of the country until February 7, 2006. *Id.* Having carefully considered respondent's motion and the record, the Court orders as follows:

(1) Respondent's motion for a continuance, Dkt. No. 6, is GRANTED.

Respondent shall have until February 27, 2006, to file its response. The Court construes respondent's motion to indicate additional service is unnecessary. If respondent believes it must be re-served, it is directed to advise the Court no later than January 18, 2006.

(2) The Clerk is directed to send a copy of this Order to the parties and to the

**ORDER GRANTING RESPONDENT'S MOTION TO
CONTINUE DATE TO RESPOND TO § 2255 MOTION**

01 Honorable Marsha J. Pechman.

02 DATED this 13th day of January, 2006.

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05 JAMES P. DONOHUE
United States Magistrate Judge
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